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1951

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File No. Village Panch. II/51 (N)

Legal Deptt
B **BRANCH**

Subject:— Notifications under the Bombay Village Panchayats Act, 1933

File No. Village Panch II/51 (N)

Gen. 104 a.

54-B

Office of the R.L.A.

The question for the consideration of the R.L.A. is whether a secretary of local co-operative society or village primary school teachers can be appointed as part time secretaries of village panchayats.

2. The L.S.G. & P.H.D. thinks that the Bombay Village Panchayats Act, 1933, and the Bombay Village Panchayat Secretary (Conditiions of Service) Rules, 1948 , do not provide for the appointment of part-time secretaries and that it seems that the Act will have to be suitably amended to provide for the same.

3. The view taken by the L.S.G. & P.H.D. is not correct. It is true that sub-section (1) of section 33 of the Bombay Village Panchayat Act , 1933 , provides that every panchayat shall appoint a secretary who shall be a servant of the panchayat. Sub-section (1-A) of section 33 however provides that the qualifications , powers, duties, remuneration and conditions of service (including disciplinary matters) of such secretary shall be such as may be prescribed. It is also true in virtue of provisions of sub-section (1-A) of section 33 of the said Act, the State Government has made rules called the Bombay Village Panchayat Secretary (Conditions of Service) Rules, 1948, and that Rule 18 of the said rules provides that the secretary shall devote his whole time and attention to the duties of his office and may not, without the previous sanction of the panchayat, enagage in any trade or under-take any employment while on duty or leave other than the duties of his office. The said rule can, however, be amended so as to provide that the secretary may

be full time or part-time, or that the appointment of a secretary may be in combination with some other appointment such as village school-master or secretary of a local Co-operative society. In fact such a rule was made by the State Government under the G.N.G.D. No.F.174/10(a) dated the 13th September 1940 in virtue of the powers conferred on Government by clause (el) of sub-section (1) of section 108 of the Bombay Village Panchayats Act read with section 33 of the said Act before it was amended in 1947. Under the section, as it stodd before it was amended in 1947, the powers, duties, remuneration and conditions of service of a secretary were to be regulated by rules made under the Act and in viubue of such powers the rule in G.N.G.D. No. F.174/10(a) , dated the 13th September 1940 was made. A similar rule can now be made as there is no change in the wording of section 33 so far as the powers of Government to make rules regarding powers, duties, remuneration and conditions of service of a secretary are concerned.

Id/-J.R.D.
dt/- 13/12/

Rememberancer of Legal Affairs.

U.R. to L.S.G. & P.H.D. No. 19974 , dated the 13th December 1951.

V.V.K. 10/7/56/

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